

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

KENNETH GRANT,

Plaintiff,

V.

**MARLIN MOUSSEAU,
RICHARD GREENWALD, and U.S.
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS,**

Defendants.

CASE NO. 8:05CV408

ORDER

This matter is before the Court upon the motion for partial dismissal filed by Plaintiff Kenneth Grant, upon the motion for additional time to file a motion for summary judgment filed by the United States Department of the Interior, Bureau of Indian Affairs, Officer Marlin Mousseau, and Lt. Richard Greenwald, the Defendants, and upon the parties' stipulation to substitute the United States of America for the defendant named as the Department of the Interior, Bureau of Indian Affairs. I have reviewed the motions and stipulation, and I find that the relief sought by the parties should be granted. Accordingly,

IT IS ORDERED:

1. The Plaintiff's Motion for Partial Dismissal of Constitutional Claims (Filing No. 31) is granted;
2. The claims set forth in the First and Second Causes of Action that allege violations of the Fourteenth Amendment in violation of 42 U.S.C. § 1983 are dismissed with prejudice;
3. The claims set forth in the Fourth and Fifth Causes of Action are dismissed with prejudice;
4. Plaintiff is granted leave to file and serve an Amended Complaint on or before August 15, 2006, that sets forth the remaining claims;
5. The Defendants' Motion for an Extension of Time to File Motion for Partial Summary Judgment (Filing No. 32) is granted;

6. All motions for summary judgment, including for partial summary judgment, shall be filed on or before September 8, 2006;
7. The Joint Stipulation Substituting the United States of America for the Department of the Interior, Bureau of Indian Affairs (Filing No. 33) is granted; and
8. The United States of America is hereby substituted for the Department of the Interior, Bureau of Indian Affairs as a defendant in this case; and the Clerk of the Court is directed to make the change to the docket information.

DATED this 1st day of August, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge